



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,660	08/01/2001	Richard A. Bardini	SONY-15700	6729

28960 7590 06/28/2005
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,660

Applicant(s)

BARDINI, RICHARD A.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/22/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-64 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4,6,8-12,16,17,19-23,27-29,31-34,36,39-41,43-46,48,50-56,60,61,63, and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Owashi et al. (6,163,644) (hereinafter Owashi).

4. As per claims 1 and 33, Owashi discloses a method of invalidating stored data after a predetermined period of time comprising:

- a. obtaining a current time from a clock source (time stamp, 3 fig 8, col 3, lines 39-41);

b. decrypting (col 2, lines 52-54) an expiration time associated (viewing rights, col 18, lines 29-41) with the stored data (cannot be changed by the subscriber, col 3, lines 41-43);

c. comparing the expiration time to the current time (viewing rights, col 18, lines 29-41); and

d. invalidating (the comparator does not output the control signal if the reproduction time limit is expired, a signal restricting is interpreted as invalidating data, col 18, lines 29-55) the stored data if the current time is earlier than or equal to the expiration time (viewing rights, col 18, lines 29-41).

5. As per claims 11 and 44, Owashi discloses a media storage device for invalidating stored data after a predetermined period of time, the media storage device comprising:

a. an interface circuit for receiving a stream of data (col 2, lines 34-64), wherein the stream of data includes content and an expiration time (col 3, lines 34-39 and col 18, lines 29-41) associated with the content (viewing rights, col 18, lines 29-41);

b. a media coupled to the interface circuit for storing the received stream of data (col 5, lines 20-27); and

c. a control circuit coupled to the interface circuit and the media for comparing a current time to the expiration time and enabling the stored content to be read from the media if the expiration time is earlier than the current time and invalidating the received stream of data if the expiration time is later than or equal to the current time (col 3, lines 34-49 and col 18, lines 29-61).

6. As per claim 21, the claim is rejected for the same reasons as claims 1 and 11, above.

7. As per claim 53, the claim is rejected for the same reasons as claim 1 above. In addition, Owashi discloses downloading an encrypted data (col 2, lines 35-63) stream associated with the expiration time onto a media storage device (fig 1, col 2, lines 35-63 and col 5, lines 20-27) waiting until a predetermined time interval has elapsed (col 18, lines 29-61 and col 3, lines 29-44); d. obtaining a global time from a clock source (col 3, lines 29-44); e. decrypting the expiration time associated with the downloaded data (time stamp, col 2, lines 44-63); f. comparing the expiration time to the global time to determine if the expiration time has elapsed (col 18, lines 29-61 and col 3, lines 29-44) ; g. repeating c-f until the expiration time has elapsed (col 18, lines 29-61 and col 3, lines 29-44); and h. invalidating the

stored data when the expiration time has elapsed (col 18, lines 29-61 and col 3, lines 29-44).

8. As per claim 55, the claim is rejected for the same reasons as claim 11, above.

9. As per claims 2, 12, 22, 34, and 56, Owashi discloses a-c are performed once every predetermined time interval until the current time is later than or equal to the expiration time (means for comparing time, col 3, lines 34-39).

10. As per claims 3, 27, 39, and 45, Owashi discloses the expiration time is received as an encrypted (col 2, lines 44-48) expiration time from a remote source (predetermined period has lapsed, 30, fig 1, col 3, lines 34-49).

11. As per claims 4, 28, 40, and 46, Owashi discloses stored data is downloaded (recording a signal, col 2, lines 35-43) data from the remote source as encrypted data (fig 1, col 5, lines 20-27).

12. As per claims 6, 17, 29, 36, 41, 48, and 61, Owashi discloses the stored data is stored on a media storage device integrated within a television (54,

fig 1, col 5, lines 20-27).

13. As per claims 8 and 50, Owashi discloses re-validating the invalidated stored data by obtaining a new expiration time associated with the invalidated data (predetermined period has lapsed, 30, fig 1, col 3, lines 34-49 and col 18, lines 29-41).

14. As per claims 9, 31, and 51, Owashi discloses expiration time is extended by obtaining an extended expiration time before the stored data is invalidated and further wherein the extended expiration time replaces the expiration time (col 3, lines 34-38 and col 18, lines 29-41).

15. As per claims 10, 19, 32, 43, 52, 54 and 63, Owashi discloses clock source is a secure clock source (cannot be changed by the subscriber, col 3, lines 39-45).

16. As per claims 16 and 60, Owashi discloses a manipulating circuit coupled to the control circuit for encrypting and decrypting the stream of data received by and transmitted from the media storage device (col 2, lines 44-63).

17. As per claim 23, Owashi discloses reading the stored data continues until the expiration time has elapsed, at which time the stored data is invalidated and reading the stored data discontinues (col 18, lines 29-61).

18. As per claims 20 and 64, Owashi discloses the content is viewable content (TV, col 5, lines 1-9).

19. As per claim 54, the claim is rejected for the same reasons as claim 19, above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 5, 7, 13-15, 18, 24-26, 30, 35, 37, 38, 42, 47, 49, 57-59, and 62, rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al.

(6,163,644) (hereinafter Owashi) in view of Smyers et al. (6,247,069) (hereinafter Smyers).

22. As per claims 5,13, 14, 24, 25, 35,37, 47,57, and 58, Owashi discloses stored data is stored on a media storage device (col 5, lines 20-27). Owashi fails to disclose the media storage device is a stand-alone device within an IEEE 1394-2000 serial bus network. However, Smyers discloses media storage device is a stand-alone device within an IEEE 1394-2000 serial bus network (col 4, lines 23-31). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Owashi and Smyers. The motivation would have been to have a network of devices coupled with each other using industry standard IEEE 1394 serial bus.

23. As per claims 7, 18,30,42, 49, and 62, Owashi fails to disclose the stored data is stored on a media storage device integrated within a computer. However Smyers discloses the stored data is stored on a media storage device integrated within a computer (22, fig 2, col 7, lines 56-67). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Owashi and Smyers. The motivation would have been to store the data stream on computer hard disk

and play using media player.

24. As per claim 15, 26, 38, and 59, Owashi discloses the transmitted data is encrypted (col 2, lines 44-49).

Response to Arguments

25. Applicant's arguments filed 04/08/2005 have been fully considered but they are not persuasive, therefore rejections to claims 1-64 is maintained.

26. In the remarks applicants argued that:

Argument: Owashi does not teach invalidating data.

Response: In response to applicant's arguments, Owashi teaches invalidating stored data after a predetermined period of time (the comparator does not output the control signal if the reproduction time limit is expired, a process of control signal restricting is interpreted as invalidating data, col 18, lines 29-55).

Argument: Owashi does not teach method or device which uses an embedded expiration time directly compared with the current time to determine if the stored data should be invalidated.

Response: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., method or device which uses an embedded expiration time directly compared with the current time to determine if the stored data should be invalidated) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What the claim do state is that the expiration time is decrypted. Owashi teaches decrypting an expiration time associated (decrypting, col 2, lines 52-54 and col 18, lines 29-41) with the stored data (cannot changed by the subscriber, col 3, lines 41-43);

Argument: Owashi does not teach comparing expiration time to the current time.

Response: Examiner respectfully disagrees, Owashi discloses comparing the expiration time to the current time (viewing rights, col 18, lines 29-41, comparator compares the current date and time with the time recorded for viewing rights).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

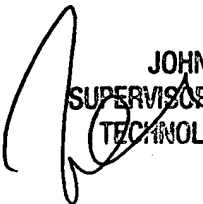
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100